



U.S. Patent No. 4,833,719

Notice of Concurrent Litigation of April 10, 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 4,833,719

Inventors : CARME, C. E. et al.

Issued : May 23, 1989

Title : METHOD AND APPARATUS FOR ATTENUATING EXTERNAL ORIGIN
NOISE REACHING THE EARDRUM, AND FOR IMPROVING
INTELLIGIBILITY OF ELECTRO-ACOUSTIC COMMUNICATIONS

TC/A.U. : 3992

Examiner : Weaver, S. L.

NOTICE OF CONCURRENT LITIGATION PURSUANT TO 37 C.F.R. § 1.565

Mail Stop: Ex Parte Reexam
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Ex parte reexamination of the above-identified patent was granted in an Order of February 9, 2006. The patent owner, TechnoFirst S.A. ("TechnoFirst"), provides the following information regarding concurrent litigation pursuant to 37 C.F.R. § 1.565. The patent owner will **not** submit a statement under 37 C.F.R. § 1.530.

Status of Concurrent Litigation Involving U.S. Patent No. 4,833,719

Flightcom Corporation ("Flightcom"), through its attorneys, submitted a Request for Reexamination of U.S. Patent No. 4,833,719 ("the '719 patent") on December 12, 2005. In an Order of February 9, 2006, the Examiner granted Flightcom's request regarding claim 1 of the '719 patent.

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The '719 patent is currently involved in federal civil litigation in the United States District Court for the District of Oregon. TechnoFirst is asserting the patent against Flightcom and filed a motion for partial summary judgment for literal infringement against Flightcom. In an Order of March 1, 2006, the Court granted Flightcom's motion to stay proceedings pending the outcome of the *ex parte* reexamination by the Patent Office.

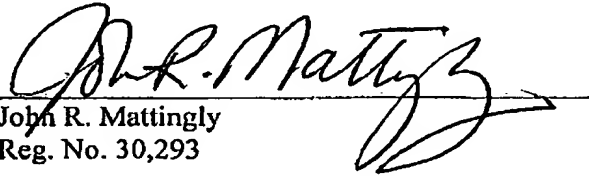
TechnoFirst submits that Flightcom's sole purpose in requesting *ex parte* reexamination of the '719 patent is to stall this litigation until after the expiration of the patent on March 6, 2007, and thereby avoid an injunction of the infringing sales.

Attached to this statement is a declaration filed with the Court by Dr. Christian E. Carme, Chief Executive Officer and R&D Manager of TechnoFirst, and the named inventor on the '719 patent. The declaration was submitted in support of TechnoFirst's motion for partial summary judgment. The declaration details the history of the relationship between TechnoFirst and Flightcom, TechnoFirst's investigation of Flightcom's products, and Flightcom's infringement of the '719 patent.

TechnoFirst will update the Patent Office with any changes in the status of the current litigation.

Respectfully submitted,

4-10-06
Date


John R. Mattingly
Reg. No. 30,293

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 Diagonal Road, Suite 370
Alexandria, Virginia 22314
(703) 684-1120